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**THE USE OF “WOMEN’S SAFETY” IN
CRIMINALIZATION VS. DECRIMINALIZATION ARGUMENTS ABOUT
PROSTITUTION IN THE U.S.**

Anne Marie Bitter (Ella Myers, PhD)

Department of Political Science

ABSTRACT

This thesis analyzes academic discourse arguing for and against the criminalization of prostitution within the U.S. It specifically investigates how claims about women's safety are used by both sides in this debate, examining four common frameworks that shape appeals to women's safety: physical harm, sexual exploitation, STIs, and the patriarchy. Reflecting on these claims, the thesis argues that advocates of both criminalization and decriminalization mobilize ideas about "women's safety" which cast women as violable and in need of protection. These protectionist arguments are rooted in patriarchal beliefs and are used to control women's behavior, silence women's voices, and reinforce sexist assumptions about women. The project concludes by offering suggestions as to how future research might resist patriarchal standards by normalizing and accepting women's power within prostitution and avoiding the portrayal of women as victims.

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INTRODUCTION

Academic discourse on the legality of prostitution within the contemporary United States can be organized into two broad categories: abolitionists and decriminalization proponents. Advocates of continued criminalization, also known as abolitionists, hope to abolish prostitution by imposing negative legal ramifications on individuals who engage in prostitution. Proponents of decriminalization believe the proper way to address prostitution is to legalize and regulate it. Both positions use a variety of reasons to support their claims, but they both utilize ideas of female safety. Furthermore, both sides use similar definitions and concepts of women's safety as a cornerstone of their arguments—this reflects protectionist attitudes. These attitudes deserve scrutiny because they reinforce patriarchal views that women are weak, passive, and in need of protection through behavioral control.

This project uses the term prostitute to define an individual who sells sexual intercourse; prostitution is used to define this practice overall. While often used interchangeably, sex work and prostitution are not necessarily the same thing. Sex work includes the commercialization of any sex act. This includes pornography, cam girls, exotic dancing, and prostitution. The term “prostitution” as it is used here, is not meant to carry a derogatory connotation, but to provide specificity. Additionally, while prostitution expands across all genders, sexual interactions, time, and space, this analysis will be limited to heterosexual interactions in which a man purchases sexual intercourse from a woman in the contemporary United States.¹

This thesis demonstrates that “women's safety” serves as a common vocabulary that unites otherwise opposed contemporary academic discourses concerning the legality of

¹ There are a few counties in Nevada that have legalized prostitution; these counties are not included in this analysis.

prostitution; both sides believe women's safety is of primary importance. Furthermore, claims about women's safety in arguments for both criminalization and decriminalization rely on core patriarchal beliefs and assumptions: women need protection, women are inherently victimizable, and women can be protected through control. In addition, the shared emphasis on women's safety reinforces specific patriarchal gender norms which cast women as weak, vulnerable, submissive, and harmed by sexual interactions and men as aggressive, violent, exploitative, and virile. This pattern suggests that even those initiatives which claim to empower women may also reinforce patriarchal expectations.

Part One makes direct comparisons between the arguments presented by advocates of continued criminalization and decriminalization to demonstrate their shared use of female safety arguments. Part Two identifies a patriarchal lens that shapes these arguments about women's safety. Part Three includes recommendations about how to remove or lessen the patriarchal connotations of these arguments.

'WOMEN'S SAFETY' IN ARGUMENTS ABOUT PROSTITUTION

Women's safety is utilized to further arguments for the continued criminalization and for the decriminalization of prostitution in the US. Despite the seemingly disparate trajectories of these opposing arguments, they both rely on claims about protecting women. This section examines how arguments about women's safety are presented through four prevalent frameworks: physical violence, sexual exploitation, sexual health, and the patriarchy.²

Physical Violence

Since 45-75% of prostitutes have experienced violence in association with their work, both advocates of decriminalization and abolitionists seek to protect prostitutes from physical

² While these are not meant to represent every single possible argument, they represent the most commonly argued.

violence (Deering, 2014). Physical violence, as it is used here, is the intentional use of physical force to cause a prostitute physical injury or trauma as a direct result of her work (Deering, 2014). Despite their differing solutions, proponents of criminalization and decriminalization rely on the protection of women from physical violence as a basis for their argument.

Abolitionists argue that women can be protected from physical violence by eliminating the vulnerability accompanying prostitution. They seek to disallow men from objectifying and harming prostitutes and claim that there is a causal relationship between engaging in prostitution and violence (Vicente, 2016). Abolitionists assert that commercial sexual intercourse places prostitutes in an unsafe position; this vulnerability allows for violence to ensue without set procedures to end or prevent it (Vicente, 2016). Subsequently, abolitionists declare that prostitution should be kept illegal to prevent women from being subject to unavoidable danger and coinciding violence. Abolitionists argue that allowing prostitution to be legal is like allowing an individual to drive a car without a seatbelt or ride a bike without a helmet (Vicente, 2016). Since the constant threat of harm is so immediate and apparent, legal ramifications must be employed. Abolitionists insist that women and men will choose to engage in prostitution less frequently when legal consequences are enforced (Vicente, 2016). In effect, this reduces the number of women engaging in prostitution and protects a greater number of women from being placed in a vulnerable position. In addition, abolitionists argue that prostitution is intertwined with violence because men view prostitutes as objects for their personal consumption (Davison and Geravis, 2015). This objectification emboldens men to view these women as subhuman, thereby justifying violent inhumane treatment.³ Subsequently, in order to end the objectification of women and connected violence, women must disallow men from objectifying them by not

³ This is based on liminality theory. For a more in depth read, view: Kira Hall, *Intertextual Sexuality: Parodies of Class, Identity, and Desire in Liminal Delhi*, (Journal of Linguistic Anthropology, 2005),

participating in prostitution. Abolitionists argue that the most effective way to encourage this is to continually criminalize prostitution because consequences are provided for those that engage in the objectifying dynamics of prostitution.

Proponents of decriminalization also acknowledge the physical dangers that arise when engaging in prostitution. However, they argue that protecting prostitutes from physical violence is possible through decriminalization because it removes systematic barriers that endanger women and fosters community building. Decriminalization activists believe that criminalizing prostitution perpetuates violence because of the lack of implemented legal procedure and protection—this endangers prostitutes because they cannot utilize law enforcement in situations of violence without confessing to their engagement (Chateauvert, 2014). Prostitutes' clients and other associated men actively exploit this vulnerability by abusing prostitutes without suffering major social or legal consequences (Chateauvert, 2014). Subsequently, decriminalization would enable women to utilize formalized legal protections from these dangers to reduce physical violence. Furthermore, decriminalization advocates seek to implement “harm reduction” and “harm minimization” techniques. Drug rehabilitation programs have successfully employed similar techniques for years. These include prostitute peer education, tips to prevent physical violence with clients, and safety guidelines for brothels (Rekart, 2006). This would allow prostitutes to create a community in which knowledge and experiences could be shared—these measures could increase prostitutes' resilience. Through these approaches, proponents of decriminalization envision a society in which women are protected by being enabled to press charges against violent clients/pimps and to empower one another through their shared knowledge and experiences.

Although the two solutions discussed for protecting women from physical violence differ, abolitionists and decriminalization proponents both use the protection of women from male-

violence as a center point for their argument. Abolitionists argue that physical violence happens due to the intrinsically vulnerable nature of prostitution and the active objectification of women by men. Meanwhile proponents of decriminalization believe it is the lack of structural protection from men and the absence of community-based knowledge that endangers women. However, both seek to increase women's safety from the threat of physical violence and both rely on the assumption that men are inherently dangerous to women.

Sexual Exploitation

Due to the intimate nature of prostitutes' work, each side is wary of the sexually exploitative elements of prostitution; both aim to protect women from this. This wariness can be seen in abolitionists' belief that prostitution is permanently coercive and on par with human trafficking and in decriminalization proponents' criticism of punitive prostitution policy.

Abolitionists argue that prostitution is the economic exploitation and sexual abuse of women (Rekart, 2006). They claim that when money is exchanged for sexual intercourse, prostitution immediately becomes coercive because money coerces sex rather than guaranteeing consent to it; they argue that this makes prostitution a practice of serial rape (MacKinnon, 2011). Furthermore, this constant coercion produces an economic sector of sexual abuse (MacKinnon, 2011). Subsequently, abolitionists argue that prostitution must be kept illegal because women will never be safe within this form of employment.

Abolitionists equate prostitution to human trafficking because it entraps women. Human trafficking is defined as any situation of prostitution in which an individual cannot leave (Barry, 1995). Some abolitionists examine the choice ability within prostitution and reason that if a woman is trapped in prostitution due to socioeconomic or societal forces, her work is human trafficking (Barry, 1995). In addition, many abolitionists identify the similarities between pimping and trafficking (MacKinnon, 2011). In both scenarios men transport, transfer, harbor,

and receive women for purposes of sexual exploitation (MacKinnon, 2011). Subsequently, pimping and trafficking are often viewed as the same entity within the abolitionist movement (MacKinnon, 2011). Abolitionists' perceptions of prostitution cause them to seek the removal of prostitution from social life through severe legal ramifications.

Proponents of decriminalization believe that the proper way to counteract the sexual exploitation of prostitutes is through legalization. They argue that prostitutes are sexually exploited because punitive laws prevent reporting—decriminalization enables reporting (Albright and D'Adamo, 2017). Proponents of decriminalization argue that prostitution's criminality disempowers prostitutes from seeking help and having a well-regulated workspace; meanwhile, it enables men to exploit prostitutes without legal ramifications (Albright and D'Adamo, 2017). Furthermore, since prostitutes cannot operate through proper legal channels, they often rely on pimps for protection and for arranging meetings. This reliance enables pimps to abuse their power and control women. However, proponents of decriminalization argue that decriminalization allows women to freely leave prostitution and seek the help of law enforcement if a coercive situation arises (Albright and D'Adamo, 2017). Through the support of law enforcement, they argue, prostitutes would not have to rely on pimps and would be able to pursue legal action against those that try to sexually exploit them. Proponents of decriminalization argue that these measures would effectively protect prostitutes from the sexual exploitation associated with their work.

Abolitionists and proponents of decriminalization argue that women must be protected from the inevitable sexual exploitation of men. Abolitionists argue that men so actively exploit prostitutes that prostitution cannot be made safe and should be continually criminalized. Meanwhile, proponents of decriminalization argue that through legalization, prostitutes can be

protected from exploitative men and autonomy regained. While these solutions vastly differ, the protection of women from men is actively used by both sides to argue for their position.

Sexually Transmitted Infections

Both sides are concerned for the sexual health of prostitutes due to prostitutes' frequent sexual contact and number of sexual partners. Prostitutes have a much higher chance of contracting a Sexually Transmitted Infection (STI) than the average population because 35-55% of prostitutes have engaged in unprotected commercial sex, and 10-35% never use condoms while engaging in commercial sex (Hong-Jing et al., 2008). This has led both sides to actively seek a reduction in the transmittal of STIs to protect the sexual health of women.

Abolitionists believe that eradicating prostitution will protect the sexual health of women because it will reduce the transmission of STIs. Abolitionists argue that pimps and prostitutes encourage unprotected intercourse because of the cost of condoms and cost-benefit of not using condoms (Mackinnon, 2011). The lack of condom usage compounds with the high number of sexual partners a prostitute has and contributes to the spreading of STIs amongst other prostitutes (Mackinnon, 2011). Abolitionists therefore believe that the best way to eliminate the spread of STIs is to decrease the number of sexual partners for women by disallowing them from engaging in prostitution. This would decrease the likelihood of contracting an STI. Abolitionists argue that criminalization protects the sexual health of women.

Advocates of decriminalization also acknowledge the health risks associated with prostitution—the chance of contracting an STI while working as a prostitute is high.⁴ However, decriminalization proponents argue that prostitution has not ended due to this danger and will not end because of it. Subsequently, they claim that prostitution should be legalized and regulated

⁴ The rates of STIs are from 5 to 60 times higher among sex workers than in general populations.

through regular screenings for STIs, required condom use, and easy access to health care centers (Singer, 2016). Furthermore, advocates of decriminalization argue that women's sexual health is endangered when prostitution is criminalized because women do not seek out medical attention when needed because of the illegality surrounding prostitution—this avoidance stems from societally imposed shame, fear of discrimination, and fear of legal ramifications (Singer, 2016). Legalization would decrease medical stigmatization and rid of the discrimination prostitutes face within the medical system, according to proponents of decriminalization (Singer, 2016). Legalization would enable prostitutes to actively seek out needed medical assistance, decreasing the number of women with STIs and increasing the sexual health of those involved in prostitution.

While proponents of decriminalization and continued criminalization have vastly different solutions, they both seek to increase the sexual health of women. They both agree that protecting the sexual health of women directly correlates to decreasing the transmittal of STIs. They widely differ in their solutions otherwise. Abolitionists seek to decrease STI transmission by abolishing prostitution completely, whereas decriminalization proponents believe that legalizing, regulating, and destigmatizing prostitution will lead to a decrease in STIs amongst prostitutes. While the mechanisms abolitionists and proponents of decriminalization believe are most effective for decreasing the transmission of STIs differ, they actively rely on claims about the protection of women's health to further their arguments.

The Patriarchy

Protecting women from the patriarchy, or male domination, is a major aspect in conversations surrounding prostitution policy. This subsection addresses how abolitionists and decriminalization advocates claim that their preferred policy can help dismantle dominant gender

roles and imposed negative effects; this supposedly should protect women from repression and abuse at the hands of men. Both sides believe that protecting women from the patriarchy is vital for the safety of women. They reason that since the patriarchy creates a framework that actively represses women and encourages violence towards women, measures must be employed to protect women from the patriarchy. Both abolitionists and decriminalization advocates argue that gender roles are fundamentally detrimental to the safety of women. Gender roles are beliefs that certain traits, behaviors, and responsibilities are intrinsically tied into an individual's gender. When individuals stray from gender roles, they are often perceived as abnormal (Haslanger, 2012). Gender roles support the patriarchy because they encourage behaviors that reinforce the idea that men are dominant and sexually virile while women are submissive, weak, and nonsexual. The acceptance of male dominance creates a foundation for men to be aggressive towards women; both sides seek to protect women from this and increase women's overall wellbeing. Abolitionists and proponents of decriminalization seek to protect women from the patriarchy through their prostitution policy.

Abolitionists firmly believe that the eradication of prostitution serves to lessen patriarchal power and therefore improves women's wellbeing. First, abolitionists argue that prostitution is inherently gendered similar to rape, sexual assault, sexual harassment, and incest; therefore, prostitution is a component and manifestation of the patriarchal institution of heterosexuality (Overall, 1992). Second, they argue that prostitution is the public recognition of men as sexual master and women as a sexually submissive commodity (Pateman, 1983). This amounts to patriarchal oppression because women are assigned to a position of sexual vulnerability in relation to men, which reaffirms the belief that women are naturally submissive in accordance with gender roles (Pateman, 1983). Subsequently, abolitionists argue that prostitution should be eliminated to protect women from these constraining and damaging patriarchal beliefs. Third,

abolitionists also argue that prostitution oppresses women because its organized practice testifies to and perpetuates the belief that women's main value is the use of their bodies for men's sexual pleasure (Shrage, 1989). Finally, abolitionists argue that unlike other forms of labor mostly performed by women, prostitution is dependent both for its value and for its existence upon the cultural construction of gender roles in terms of men's dominance and women's submission (Overall, 1992). Subsequently, abolitionists believe that there is no way to legalize prostitution without furthering patriarchal beliefs that repress women and leave them vulnerable to physical abuse and coercion at the hands of men. They seek to abolish prostitution through continued criminalization in order to protect women from the most egregious expressions of patriarchal power.

Decriminalization advocates believe that through decriminalization, women will be better able to actively fight against patriarchal forces that repress them. The idea of disabling the patriarchy through the legalization of prostitution is two-fold: enable women to control their capital and bodies in the marketplace and redefine gender roles. Proponents of decriminalization believe that the threat to women's safety is not prostitution itself. The threat is the patriarchy's way of exploiting sexual labor and commercializing the female body. Advocates suggest that decriminalization would enable women to run prostitution operations that ensure health and safety, rather than the exploitative schemes that maintain control over and exploit women currently (Carmen and Moody, 1985). They theorize that the increase of female power would rid of pimps and other male control (Carmen and Moody, 1985). Furthermore, decriminalization advocates argue that the legalization of prostitution allows women to better control their own sexuality. They often view prostitution as an expression of agency or as a model of sex equality in relationships (Mackinnon, 2011). From this perspective, women control the sexual interaction, are compensated for what is usually expected from women for free, have independent lives, and

anonymous sex with many partners (Mackinnon, 2011). These behaviors are stereotypically monopolized by men, and some argue that they can liberate women from the dominant constructed gender roles that limit and police women's sexual behavior (Mackinnon, 2011). Decriminalization proponents argue that the legalization of prostitution will break gender roles, increase women's bodily autonomy, and rid of men's control of the commercialization of women's bodies.

Despite the extreme differences in how abolitionists and decriminalization advocates think women's lives can be improved in relation to patriarchal power, both sides believe that women need to be liberated from male expectations and control. Both sides fight against the normalization of female submissiveness and male dominance in sexual interactions. Abolitionists argue that when women are in a state of increased vulnerability and go against expectations of being nonsexual they are in danger—men will exploit this vulnerability and society will socially punish women for being sexual (Rekart, 2006). Hence, they seek to eliminate prostitution. Meanwhile, proponents of decriminalization believe it is the commodification of women's bodies by men and the expectation that women are nonsexual and sexually submissive that need to be combatted; decriminalization would eliminate these patriarchal effects on women. While both sides frame their solutions differently, each relies on protecting women from patriarchal effects to further their arguments.

Summary

From the close comparison of the arguments surrounding female safety, it should be apparent that abolitionists and decriminalization advocates both use women's safety to further their claims. Not only does this demonstrate that these arguments are not as different as one might expect, but that there is a shared framework used by academics to call for both continued criminalization and decriminalization of prostitution. This framework, I suggest, is rooted in

patriarchal norms and expectations. Despite their stated aim to increase empowerment, these arguments may reinforce ideas that harm women. The following section will analyze each previously extrapolated facet of female safety to demonstrate the patriarchal influence on each of these arguments.

‘WOMEN’S SAFETY’ IN ARGUMENTS ABOUT PROSTITUTION

In order to analyze the effects of the patriarchy, a concrete understanding of it is necessary. Patriarchy refers to a social system that organizes life based upon behaviors that impose male dominance and female subordination. While this system is made up of various moving parts and is actively sustained by individuals and society as a whole, in no way is any individual the patriarchy. Subsequently, while the patriarchy is often spoken of in terms of individuals and their behaviors—their behaviors “being” the patriarchy, the patriarchy is a system and cannot be reduced to the people within it (Johnson, 1988). This being said, the patriarchy is not a static entity; it cannot survive without the consistent usage, belief, and acceptance of society (Johnson, 1988).

Patriarchy is a system that organizes human behaviors by normalizing certain ideas, social relationships, and actions (Johnson, 1988). The patriarchy furthers the idea that manhood and masculinity are most closely associated with being human; meanwhile, womanhood and femininity are relegated to the marginal position of other (Johnson, 1988). This furthers the valuing of masculinity and maleness and devaluing of femininity and femaleness (Johnson, 1988). The devaluation of women instills the belief that men are superior to women and by “nature” more dominant. Furthermore, it enables men to have power over women and feel culturally applauded when they use it (Johnson, 1988). In addition, the patriarchy encourages rules for social relationships shaped by the belief that men are superior to women, men are more human than women, and men can exercise control over women without ramifications.

Subsequently, this male-centered system helps produce and normalize male violence towards women (Johnson, 1988).

Male-dominance is also maintained by gender norms and roles. Common gender norms include women being passive, gentle, weak, and non-sexual; while men are dominant, aggressive, and sexual. Gender norms shape people's actions, motivations, and resistance. Gender roles also define societal functions for each gender (Haslanger, 2012). Since women are “naturally” passive, gentle, and weak, they fit in the roles of mothers, subordinate staff members, and as helpmates to men. Meanwhile men's perceived dominance makes them suitable for positions of power. These norms and roles are pervasive and significant; society uses them to evaluate an individual's moral correctness (Haslanger, 2012). People are encouraged to behave in ways that support patriarchal norms in order to receive acceptance and when individuals do not conform, they are socially punished (Haslanger, 2012).

The patriarchy encourages the objectification of women. Women are considered lesser than men within patriarchal bounds and are objectified as sexual property valued primarily for their usefulness to men (Johnson, 1988). This dynamic of objectification does not require men to be valued in terms of bodily usability during sexual intercourse—it only requires the reduction of women to objects (Haslanger, 2012). This objectification has been constructed as desirable and encourages men to treat women as objects for their personal consumption (Haslanger, 2012). When combined with men's dominance, women are reduced to entities purposed for male pleasure that must be controlled (Walby, 1992). The integration of these factors creates a system in which women are consistently in a place of a submission and men in a place of dominance. This designated submission and dominance also encourages the use of physical force against women.

In the patriarchy, women are designated as desirable and legitimate objects of male control and men are encouraged to maintain this control through physical violence (Johnson, 1988). This being said, every man does not need to display physical force to gain control because women's fear of impending physical threats keeps them in a state of submission (Chancer, 1988). Subsequently, women are kept in a place of submission and physically harmed due to behaviors encouraged by the patriarchy.

The patriarchy creates a systematic path of least resistance that socially punishes those that deviate—this provides a powerful reason for people to continually behave in accordance with it (Johnson, 1988). Furthermore, when people seek to understand patriarchal mechanisms, they analyze it incorrectly. For example, they seek to understand how men could commit acts of severe violence on women. However, it is not the psychological derangement of a few men that leads to attacks on women, it is a society that creates fertile ground for men to abuse women that leads to frequent violence (Hanmer and Saunders, 1984). Since the patriarchy is pervasive in nature, it is hard to step outside its psychological bounds to examine it. This creates a society in which people passively choose to uphold patriarchal expectations and are unaware of how to actively resist it.

Now that a base understanding of the patriarchy has been established the remainder of this section will demonstrate how women's safety arguments surrounding prostitution are shaped by patriarchal expectations.

Physical Violence

Abolitionists and proponents of decriminalization both utilize the protection of women from physical violence to present their position on prostitution. These protectionist attitudes are built upon a shared understanding that prostitutes need to be protected from male violence. Patriarchal influence can be observed in their arguments through the normalization of the

objectification of women, the understanding that commercial sex acts and violence are intertwined, and the acceptance that some women may be harmed to fulfil male pleasure demands.

Abolitionists' acceptance of the objectification of women demonstrates the effect of the patriarchy on their argument. They argue that women should not be allowed to engage in prostitution because it enables men to objectify the prostitute as a lesser being or even a thing, thereby justifying physical abuse (Davison and Geravis, 2015). This rationale is patriarchal because it normalizes the objectification of women by accepting that women are fated to be the designated objects of desire for men to utilize for their personal pleasure (Johnson, 1998). There is no discussion of teaching men to view women as something other than subhuman objects for their individual consumption nor how to address societal issues that frame such male behavior as acceptable and expected (Johnson, 1998). Abolitionists do not actively condemn and critique men for viewing women as objects and accept that women that engage in prostitution are objectifiable without consequence for those that objectify them. This view inadvertently supports the patriarchal belief that women are less human than their male counterparts.

Abolitionists also normalize male violence against women in the context of prostitution by arguing that commercial sexual intercourse and violence have a causal relationship (Vicente, 2016). This reflects, first, the patriarchal tenet that women are nonsexual and are "supposed" to be sexually controlled by a single man (Haslanger, 2012). The postulated "causal" relationship between prostitution and violence signals that severe social punishment is to be expected for women not following patriarchally mandated norms and roles (Haslanger, 2012). However, abolitionists' arguments usually do not attack the patriarchal premise that women will receive physical violence when they do not follow societally constructed rules surrounding sexual

relations. Rather, this violence is accepted as fact and abolitionists reaffirm a patriarchal standard that legitimize male control and even physical abuse of women (Johnson 1998).

Advocates of decriminalization often prioritize male pleasure—sometimes even above female safety. Decriminalization advocates employ “harm reduction” strategies—these strategies rely on prostitutes sharing their experiences and advice with other prostitutes to prevent violence, negotiate condom use, etc. (Rekart, 2005). While these strategies may reduce harm and increase condom use, it also accepts that some women will need to be physically abused or manipulated to satisfy male pleasure demands (Nussbaum, 1995). This furthers the patriarchal concept that men, and their needs, are of more importance than women (Johnson, 1998). Furthermore, by placing men’s sexual pleasure even before the physical wellbeing of women, the patriarchal understanding that women should be thought of in terms of bodily usability is furthered (Johnson, 1998). In addition, “harm reduction” strategies echo earlier attitudes from Victorian America—medical authorities sought the legalization and regulation of prostitution in 1870 under the “doctrine of necessity” which argued that men could relieve sexual and physical tension without offending their wives (Rosen, 1982). This patriarchal precedent can be observed in present day “harm reduction” strategies. In both cases, women’s main value is providing sexual satisfaction to men who are understood to be intrinsically violent. This demonstrates the antiquated and pervasive concept of women’s objectification and normalization of male-violence within prostitution.

Decriminalization proponents tend to accept that male violence will occur within prostitution, because men are supposedly dominant and aggressive (Nussbaum, 1995). This patriarchal belief is based within staunch stereotypic gender roles. Furthermore, it supports the idea that men, especially men that are not your monogamous partner, are intrinsically dangerous. In effect, this belief normalizes the patriarchal practice that when women engage in non-stereotypical gendered

sexual behavior they are in danger and will be subject to violence (Haslanger, 2012).

Decriminalization advocates' argument is built upon beliefs that normalize men's violent domination of women.

In sum, arguments that use women's protection from physical violence to further their claims are based upon the normalization of the objectification of women, an acceptance that commercialized sex acts "cause" physical violence, and a tendency to prioritize male pleasure; these are all patriarchal beliefs.

Sexual Exploitation

Proponents of decriminalization and continued criminalization both believe prostitutes are in need of protection from sexual exploitation. In making this case, both sides advance patriarchal beliefs. They do so by representing prostitutes as victims, relying on paternalistic perspectives, and accepting that men are abusive.

Abolitionists often represent prostitutes as victims. They portray commercialized sexual intercourse as a dominant violent man abusing a submissive, relatively powerless woman. While coercion most certainly can happen in these situations, it is important to acknowledge that a woman is not necessarily weak and without power in these sexual interactions, but often structures the sexual interaction and conveys her expectations. The portrayal of prostitutes as victims relies on the false notion that women are either victims or in complete control of their agency (Schneider, 1995). This is an incorrect dichotomous relationship that is narrow, incomplete, and assumes that victimization and agency are extreme opposites which categorizes women into strict stereotypes that do not actively reflect their lived experiences (Schneider, 1995). Furthermore, victim stereotypes silence the voices of prostitutes (Schneider, 1995). This is a patriarchal move because it reduces women to children who are incapable of making

decisions for themselves. When abolitionists use these argumentative mechanisms they reinforce patriarchal expectations that women are weak, innocent, and need to be behaviorally controlled.

Abolitionists often conflate prostitution with rape due to the possibility of coerced choice (Mackinnon, 2011). However, by removing agency from women engaging in prostitution, an adult woman participating in sexual intercourse is reduced to a minor in a situation of statutory rape. By reducing prostitutes to children, abolitionists may once again silence prostitutes' voices and act as a parental figure determining their best interests, implying that prostitutes are incapable of adult rationality and choice (Haslanger, 2012). In addition, the belief that prostitution and serial rape are the same leads to "rescue industries" intent on pulling women from the "depths" of prostitution (Jackson, 2016). This furthers the gender norm that women are submissive and passive individuals who need to be saved. Portraying prostitutes exclusively as victims is a patriarchal gesture that effectively silences and seeks to "rehabilitate" women who have strayed from societally deemed normality.

Decriminalization advocates also argue for women's safety from sexual exploitation in ways that uphold patriarchal expectations. Similar to abolitionists, proponents of decriminalization argue that women are intrinsically vulnerable to sexual exploitation when engaging in prostitution. However, they claim that through the decriminalization and regulation of prostitution, women can in turn seek aid from law enforcement agencies. This relies on a fundamental assumption that women are victims in need of protection. In addition, they envision women seeking help from legal and police forces that are predominantly male, furthering the patriarchal notion that women need to be protected from men by other men.

Furthermore, the scenarios presented by decriminalization advocates often normalize and accept that men will sexually exploit women. There is little discussion of how to remove systematic oppressive forces that train and encourage men to be sexually exploitative (Johnson,

1998). This silence supports oppressive gender norms by tacitly accepting that men will use force to gain sexual access and that it is primarily women's responsibility to avoid these tactics. Furthermore, the societally imposed power imbalance between genders is not taken into account within this expectation. The oppressed group is expected to avoid the aggression of societally empowered men.

Abolitionists and decriminalization advocates present arguments that not only accept, but reinforce, patriarchal arrangements. The patriarchy relies on the majority of society using it as their framework for understanding and acting in the world (Johnson, 1998). Both parties of the prostitution debate are at fault for using and thereby advancing this framework.

Sexual Health

Proponents of decriminalization and continued criminalization rely on the protection of women's sexual health to support their argument. They seek a reduction in the contraction of STIs. Although the mechanisms used by the respective sides to reach this goal vary drastically, both sides rely on patriarchal norms that are paternalistic and seek the control of women's sexual behavior.

Abolitionists seek to eliminate the contraction of STIs in commercialized sexual intercourse. Since abolitionists believe that prostitution is fundamentally nonconsensual, they view the contraction of STIs through said intercourse as increased harm to women (Mackinnon, 2011). Subsequently, they argue that prostitution is intrinsically harmful to women's sexual health and should remain criminalized. They hope that through the threat of legal ramifications, women will be discouraged from engaging in prostitution and subsequently less women will contract an STI. However, this is a paternalistic attitude that has a patriarchal foundation. Disallowing someone from engaging in an activity for their protection is an action often taken by adults to take care of children. This seems to reduce women to the status of children and suggests that women cannot

reliably make decisions for themselves. (Schneider, 1995). Restricting a women's liberty in order to protect them from harm is a dangerous notion; supposed advocacy can easily be used as a means of control (Mazur, 1996).

Decriminalization advocates also use the protection of women's health as a means to further their argument. They believe that through strict regulations, women's STI contraction can be reduced; proposed regulations include requiring registration as a sex worker and requiring condom use and regular STI testing, etc. Advocates of decriminalization arguably seek control of women's sexual behavior to protect them from contracting an STI. Yet these regulatory interventions are paternalistic. Similar to abolitionists' arguments, they seek to restrict the freedom of women in order to protect them. Second, they specifically seek to control women's sexual behavior, a defining feature of patriarchy (Walby, 1992). Decriminalization advocates often frame a shift in control away from pimps and toward regulated brothels as a positive development (Chateauvert, 2015), yet it is a transfer of control of the sexual behavior of women from pimps to lawmakers. Women cannot be liberated through control.

Both sides aim to prevent the transmittal of STIs in the name of women's health. However, controlling women's sexual interactions is no more forward thinking than it ever has been. To mistakenly accept that women must be controlled to be protected reduces women to children and denies them autonomy.

The Patriarchy

The effects of the patriarchy upon prostitutes is widely discussed by abolitionists and decriminalization advocates. Both seek to protect women from patriarchal forces through their preferred legal regime for prostitution, however their arguments ironically may reinforce patriarchy. This tendency is evidenced by the assumption of male control and female passivity,

the belief that sex is intrinsically harmful to women, and the assumption that stereotypically male behavior is superior to stereotypically female behavior.

Abolitionists frame sexual interactions between prostitutes and their male clientele as a situation of male control over women. However, this relies on the fundamentally patriarchal assumption that a woman cannot control sexual interactions (and that it is properly the role of men to do so). However, prostitutes often do dictate the interaction. They arrange the time and place, determine the exact services to be provided, and expect compensation at the end of the interaction. By presuming it is always a case of coercion, any power the woman had in the exchange disappears from the abolitionists' argument. This mechanism reduces prostitutes to sexual objects used by men (Shrage, 1989). They are no longer women engaging in prostitution, but instead are “prostituted” by men. Failing to acknowledge that a woman can exercise control within a commercialized sex act supports the passive victim stereotype so often assigned to women.

Abolitionists also seem to support patriarchal beliefs when they assume that non-monogamous and commercial sex harms women. Abolitionists often compare prostitution to rape and incest (Overall, 1992). Rape and incest are both widely understood as intrinsically harmful sexual interactions. By placing consensual prostitution within this category, they are stating that prostitution is also intrinsically harmful. However, labeling all prostitution as harmful also affirms the patriarchal norm of heteronormative monogamy—the idea that proper sexual relations are only fitting between two people of the opposite sex, and that certain behaviors are appropriate or inappropriate within these parameters. So, when a woman engages in monogamous intercourse, abolitionists do not immediately deem it as harmful. However, when a woman has sexual intercourse with multiple men for money, it is likened to rape and incest. Engaging in non-monogamous sex with a prostitute is almost never deemed harmful to men—it

is supposedly only harmful to women. This assumption relies on the patriarchal belief that women are nonsexual and only seek the companionship of one man, rendering prostitution a state of misery.

Decriminalization advocates also have their assumptions shaped by the patriarchy as they try to protect women from it. This can most easily be observed in their glorification of stereotypically male behavior. Proponents of decriminalization portray that the key to women's liberation lies in breaking chaste/virtuous feminine gender norm and emulating men by having independent lives and engaging with many sex partners (MacKinnon, 2011). However, this relies on the patriarchal assumption that stereotypically male behavior is superior to stereotypically female behavior and that women should “aspire” to the behavior of men in order to obtain freedom (Johnson, 1998).

Even as both sides attempt to protect women from the patriarchy, they are actively reinforcing its existence. This demonstrates the pervasive nature of the patriarchy and the difficulty in reframing one's mindset from within it. Yet although the patriarchal system has shaped the behaviors, mindsets, and opinions of society at large it is also non-deterministic (Johnson, 1988). By actively working against the pervasive nature of the patriarchy and reframing one's mindset against it, serious change and improvement can be made (Johnson, 1988). Therefore, the following section will discuss recommendations for more nuanced arguments surrounding prostitution.

SUGGESTIONS FOR IMPROVEMENT

Despite arguments of decriminalization and continued criminalization seeming fundamentally opposed on the surface, they both rely on ideas of women's safety—ideas which, as I have shown, are also patriarchal in character. Nonetheless, the desire to empower women and increase their safety is a positive one. Recommendations for how to remove the patriarchal

influence from arguments surrounding prostitution include redefining the path of least resistance, normalizing and accepting women's power within prostitution, and avoiding the portrayal of women as victims.

The patriarchy creates a societal path of least resistance; this path promotes behaviors and values that further the repression of women and the dominance of men (Johnson, 1988). Some examples include men using societally sanctioned force, women taking on behaviors that are submissive in nature, and the belief that gender norms apply to all people within each gender. When individuals follow the path, they tend to be accepted and rewarded by society, while varying from the path leads to societal punishment; this provides powerful incentives for people to follow the status quo (Johnson, 1988). As individuals follow the status quo, they begin to accept that it is the "factual" way of life. The path of least resistance helps explain why both sides of the debate use similar concepts and terms. They are operating within culturally created rules as they work to make their case. (Johnson, 1988). However, for each side to reframe their arguments without patriarchal influence, they must discard these rules and begin thinking beyond this framework. They should investigate patriarchal mechanisms that endanger women and create solutions that actively work against this danger. When arguments are built from this basis, both sides can create paths which allow men and women to exist and operate outside of patriarchal bounds.

When these arguments disavow the path of least resistance, they must also accept and normalize women's power within prostitution. Both sides have developed protectionist attitudes that do not consider the power prostitutes may have. The normalization of women's weakness by both sides also encourages men engaging with prostitutes to see women as powerless and may even justify forceful behavior. Furthermore, the normalization of women's power could decrease social stigmatization because it would rehumanize these women in the eyes of society.

Finally, the representation of women as victims within prostitution must end. Both sides are guilty of portraying prostitutes as victims through their protectionist language, ideals, and solutions; this actively silences the women who participate in prostitution (Chateuvert, 2015). Furthermore, this depiction dehumanizes women by denying their multi-faceted experiences and reducing them to a single stereotype. Future work should reject this extreme and explore the interrelationship between, and simultaneity of, coercion, consent, victimization, and empowerment within prostitution (Schneider, 1995). This work must seek to understand the social context of women's oppression which shapes women's choices, but also acknowledge women's agency and independence in a more nuanced way (Schneider, 1995). This requires rejecting the dichotomous nature of victimization and agency and investigating the gray area in between these categories (Schneider, 1995). This rejection will allow for a more "textured and contextual analysis of the interrelationship between women's oppression and acts of resistance" in prostitutes' experiences (Schneider, 1995). If women are no longer simply portrayed as victims, it is possible to understand and substantially improve women's lives.

In conclusion, by creating a positive path that disavows patriarchal patterns, normalizes women's power, and no longer assigns prostitutes to the roles of victims, positive change can be made. Approaches that consider women's complex and varied circumstances can foster better solutions which actively fight against patriarchal beliefs and practices.

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